

MARA FAUST  
Deputy Attorney General  
1515 K Street, Suite 511  
P.O. Box 944255  
Sacramento, California 94244-2550  
Telephone: (916) 324-5358

Attorneys for Complainant

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the )	No. 16-92-20188
Accusation Against: )	
	DEFAULT DECISION
SERGIO LUIS RODRIQUEZ, M.D. )	<u>AND ORDER</u>
725 San Jacinto )	
Liberty, TX 77575 )	
Physician and Surgeon )	
Certificate No. C-38767 )	
Respondent. )	
_____ )	

On or about May 25, 1994, the respondent was served with Accusation No. 16-92-20188, a Statement to Respondent, Notice of Defense in blank, and copies of relevant sections of the California Administrative Procedure Act as required by sections 11503 and 11505 of the Government Code. Service was accomplished by certified mail directed to the last address of record<sup>1</sup> for respondent on file with the Medical Board of California. (See Exhibit 1, attached hereto.)

Respondent Sergio Luis Rodriguez, M.D. failed to file a Notice of Defense within the fifteen days allowed by section 11506 of the Government Code. As a result, the default of

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<sup>1</sup>See Title 16 of the California Code of Regulations §1303 which requires licensees to file a current mailing address with the Medical Board.

respondent was entered. Respondent has thereby waived his right to a hearing to contest the Accusation, and the Division of Medical Quality now proceeds without hearing to take action based upon the Accusation, declarations, and documentary evidence on file in accordance with Government Code sections 11505(a) and 11520.

#### FINDINGS OF FACT

The allegations of the Accusation, a true and correct copy of which is attached hereto as Exhibit 2 and incorporated by reference herein, are found to be true. (See also Attachment A of Exhibit 2, Record of Out-of-State Discipline.)

#### DETERMINATION OF ISSUES

Pursuant to the foregoing Findings of Fact, respondent has committed acts constituting unprofessional conduct in violation of Business and Professions Code sections 2234 and 2305.

#### ORDER

Physician's and Surgeon's certificate number C-38767- issued to Sergio Luis Rodriquez, M.D. is revoked.

Respondent shall not be deprived of making any further showing by way of mitigation. However, such showing must be made in writing to the Division of Medical Quality, Medical Board of California at 1430 Howe Avenue, Sacramento, California 95825, prior to the effective date of this decision.

This decision shall become effective on November 28, 1994

DATED: October 27, 1994

MEDICAL BOARD OF CALIFORNIA  
Department of Consumer Affairs  
State of California

By Karen Mc Elliott  
KAREN MC ELLIOTT, Chairperson  
Panel B  
Division of Medical Quality  
2.

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
Supervising Deputy Attorney General  
3 MARA FAUST  
Deputy Attorney General  
4 1515 K Street, Suite 511  
P.O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 324-5358

6 Attorneys for Complainant  
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8 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA  
11

12 In the Matter of the	)	No. 16-92-20188
Accusation Against:	)	
13	)	<u>ACCUSATION</u>
SERGIO LUIS RODRIQUEZ, M.D.	)	
14 725 San Jacinto	)	
Liberty, TX 77575	)	
15	)	
Physician and Surgeon	)	
16 Certificate No. C-38767	)	
17	)	
Respondent.	)	
18	)	

19  
20 Dixon Arnett, for causes for discipline, alleges:

21 1. Complainant Dixon Arnett makes and files this  
22 accusation solely in his official capacity as Executive Director  
23 of the Medical Board of California (hereinafter referred to as  
24 the "Board") and not otherwise.

25 2. On August 23, 1979, the Medical Board of California  
26 issued physician and surgeon certificate number C-38767 to Sergio  
27 Luis Rodriguez, M.D. The certificate expired August 31, 1992.

1           3. Under Business and Professions Code section 2234,  
2 the Division of Medical Quality shall take action against any  
3 licensee who is charged with unprofessional conduct.

4           4. Under Business and Professions Code section 2305,  
5 the revocation, suspension, or other discipline by other state of  
6 a license or certificate to practice medicine issued by the state  
7 shall constitute unprofessional conduct against such license in  
8 this state.

9           5. Respondent has subjected his physician and surgeon  
10 certificate to discipline under Business and Professions Code  
11 Sections 2234, and 2305 in that on or about April 12, 1991,  
12 respondent entered into an Order to surrender his license to  
13 practice medicine in Texas to the Texas State Board of Medical  
14 Examiners. The above mentioned Order is attached hereto as  
15 Exhibit A.

16           6. The basis of the Order is that respondent currently  
17 suffers from mental impairment and is unable to practice medicine  
18 with reasonable skill and safety to his patients.

19           WHEREFORE, complainant prays a hearing be held and that  
20 the Medical Board of California make its order:

21           1. Revoking or suspending physician and surgeon  
22 certificate No. C-38767 issued to Sergio Luis Rodriguez, M.D.

23           2. Prohibiting Sergio Luis Rodriguez, M.D. from  
24 supervising physician assistants; and

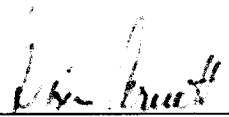
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1                   3. Taking such other and further action as may be  
2 deemed proper and appropriate.

3 DATED: MAY 25, 1994

4   
5 \_\_\_\_\_  
6 DIXON ARNETT  
7 Executive Director  
8 Medical Board of California  
9 Division of Medical Quality  
10 Department of Consumer Affairs  
11 State of California  
12 Complainant  
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D-9276

IN THE MATTER OF	)(	BEFORE THE
	)(	
THE LICENSE OF	)(	TEXAS STATE BOARD
	)(	
SERGIO LUIS RODRIGUEZ, M.D.	)(	OF MEDICAL EXAMINERS

ORDER

On this the 19th day of April, 1991, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of Sergio Luis Rodriguez, M.D. ("the Respondent").

FINDINGS OF FACT

1. Sergio Luis Rodriguez, M.D., holds Texas medical license D-9276.
2. The Board has jurisdiction over the subject matter and the Respondent. The Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. Respondent currently suffers from mental impairment and is unable to practice medicine with reasonable skill and safety to his patients.
4. In lieu of further disciplinary proceedings, Respondent has agreed to surrender his license to the Board.

CONCLUSION OF LAW


Based on the above findings of fact, the Board concludes that the Respondent has violated article 4495b, section 3.08(16), inability to practice medicine with reasonable skill and safety to patients by reason of illness or as a result of any mental or physical condition. This violation subjects the Respondent to discipline under section 4.12 of article 4495b.

Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's license is hereby REVOKED.

THIS ORDER IS A PUBLIC RECORD.

Accepted and agreed to as to substance and form:

  
Sergio Luis Rodriguez, M.D.

  
Janet Rodriguez - Witness


STATE OF TEXAS  
COUNTY OF TARRANT  
I, J. Lee McDaniel, Director of the Department of Health, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Department of Health.

and, I do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Department of Health.

4-12-91  
Date signed

4-12-91  
Date signed

SIGNED on this 20th day of April, 1991.

  
R.A.D. Morton, Jr., M.D.  
President, Texas State Board of  
Medical Examiners

TC.BO 8.7/2